



Caption in Compliance with D.N.J. LBR 9004-1(b)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

INVITAE CORPORATION, *et al.*,

Debtors.¹

Chapter 11

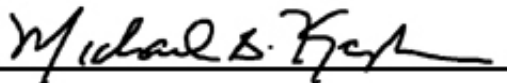
Case No. 24-11362 (MBK) (Jointly Administered)

Order Filed on August 2, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**ORDER DENYING THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS' MOTION
FOR (I) LEAVE, STANDING, AND AUTHORITY TO COMMENCE AND
PROSECUTE CERTAIN CLAIMS AND CAUSES OF ACTION ON BEHALF
OF THE DEBTORS' ESTATES AND (II) EXCLUSIVE SETTLEMENT AUTHORITY**

The relief set forth on the following pages, numbered three (3) through five (5), is
ORDERED.

DATED: August 2, 2024


Honorable Michael B. Kaplan
United States Bankruptcy Judge

¹ The last four digits of Debtor Invitae Corporation's tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://www.veritaglobal.net/invitae>. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.

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Debtors: INVITAE CORPORATION, *et al.*

Case No. 24-11362 (MBK)

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Upon *The Official Committee of Unsecured Creditors' Motion for (I) Leave, Standing, and Authority to Commence and Prosecute Certain Claims and Causes of Action on Behalf of the Debtors' Estates and (II) Exclusive Settlement Authority* [Docket No. 536] (the "Standing Motion");² and the Court having jurisdiction to consider the Standing Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.); and this Court having found that venue of this proceeding and the Standing Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the notice of the Standing Motion was appropriate under the circumstances and no other notice need be provided; and this Court having reviewed and considered the following, among other related documents filed in connection therewith:

- (a) the Standing Motion;
- (b) *Debtors' Objection to the Official Committee of Unsecured Creditors' Motion for (I) Leave, Standing and Authority to Commence and Prosecute Certain Claims and Causes of Action on Behalf of the Debtors' Estates and (II) Exclusive Settlement Authority* [Docket No. 713];
- (c) *Joinder and Supplemental Statement of U.S. Bank Trust Company, National Association, as Trustee and Collateral Agent, to Deerfield Partners L.P.'s (I) Objection to the Committee's Standing Motion and (II) Response to the Committee's Objections to the Make Whole Amount* [Docket No. 720]
- (d) *Deerfield's (I) Objection to the Committee's Standing Motion and (II) Response to*

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Standing Motion.

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Debtors: INVITAE CORPORATION, *et al.*

Case No. 24-11362 (MBK)

Caption of Order: ORDER DENYING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS' MOTION FOR (I) LEAVE, STANDING, AND AUTHORITY TO COMMENCE AND PROSECUTE CERTAIN CLAIMS AND CAUSES OF ACTION ON BEHALF OF THE DEBTORS' ESTATES AND (II) EXCLUSIVE SETTLEMENT AUTHORITY

the Committee's Objections to the Make Whole Amount [Docket No. 728]; and

- (e) The Official Committee of Unsecured Creditors' Reply Brief in Support of its Motion for (I) Leave, Standing, and Authority to Commence and Prosecute Certain Claims and Causes of Action on Behalf of the Debtors' Estates and (II) Exclusive Settlement Authority [Docket No. 752];

and the Court having held a hearing to consider the Standing Motion and all of the documents filed in connection therewith on July 9, 2024 at 11:00 a.m. (ET) (the "July 9 Hearing"); and the Court having heard and considered the evidence and arguments of counsel presented to it during the July 9 Hearing and at the hearing held on July 22, 2024 at 9:00 a.m. (ET) (the "Confirmation Hearing"); and upon the record of the July 9 Hearing and the Confirmation Hearing; and after due deliberation and sufficient cause appearing therefor **IT IS HEREBY ORDERED THAT:**

1. The Standing Motion is DENIED in its entirety for the reasons stated in the Court's bench decision read into the record on July 12, 2024, and as supplemented by the Court's bench decision read into the record on July 23, 2024.
2. The Court may further supplement its bench decisions on the Standing Motion with a written opinion.